

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

FIREMEN’S INSURANCE COMPANY OF
WASHINGTON, D.C.,

Plaintiff,

v.

DABECCA NATURAL FOODS, INC., and
HOWARD B. SAMUELS, its Trustee,

Defendants.

Case No. 1:22-cv-05836

STATUS REPORT

Plaintiff Firemen’s Insurance Company of Washington, D.C. (“Firemen’s”) hereby submits the following status report:

On October 24, 2022, Firemen’s filed a Complaint for declaratory relief. (Dkt. #1). In the Complaint, Fireman’s seeks a declaratory judgment that it does not owe insurance coverage under a Commercial Lines Policy issued by Firemen’s to Defendant DaBecca Natural Foods, Inc., Policy No. 3207778-21, effective October 28, 2019 to October 29, 2020 for the lawsuit filed in the Circuit Court of Cook County, Illinois, County Department, Law Division, Case No. 2022 L 004391, captioned as *Luis Guzman, as Independent Administrator of the Estate of Ernesto Guzman-Lara v. DaBecca Natural Foods, Inc.* (the “Underlying Lawsuit”).

On January 9, 2023, the plaintiff in the Underlying Lawsuit, Defendants, Firemen’s, and Defendants’ employers liability insurer, a non-party to this case but which was providing a defense to Defendants in the Underlying lawsuit, participated in a mediation. The parties successfully settled the Underlying Lawsuit at the January 9 mediation.

On or about January 27, 2023, the parties memorialized the terms of the settlement in a written agreement. Prior to all parties in this matter and in the Underlying Lawsuit executing the written settlement agreement, counsel for plaintiff in the Underlying Lawsuit indicated that the settlement required certain

waivers and consents from family members of the decedent, and that counsel was in the process of obtaining all such waivers and consents.

On April 14, 2023, Firemen's learned that plaintiff in the Underlying Lawsuit had obtained the necessary waivers and consents, and had also executed the release required for the settlement. Firemen's anticipates the settlement will be executed and finalized by all parties on or before April 28, 2023, and Fireman's will then dismiss this matter pursuant to settlement.

Respectfully submitted,

Firemen's Insurance Company of Washington,
D.C.

By: /s/ Michael A. Jacobson
One of its Attorneys

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CERTIFICATE OF SERVICE

Michael A. Jacobson, an attorney, certifies that on April 19, 2023, he served a copy of the foregoing document by e-mail on:

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/s/ Michael A. Jacobson

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